

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HENRIETTA MELTZER, JEROME S. BRESLAW,
SOLOMON SHAPIRO, HENRY ARKIN,
PATRICIA D. FREDA, MARK STAHL,
HARVEY BAYARD and ABRAHAM STAHL,

Plaintiffs,

-against-

ORDER ADOPTING REPORT &
RECOMMENDATION
03-CV-5521 (JS)(WDW)

ROYAL ACCEPTANCE CORP.,
RIT AUTO LEASING GROUP, INC., and
RICHARD TOPOREK,

Defendant/
Third-Party Plaintiffs,

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Appearances:

For Harvey Bayard: Glenn Backer, Esq.
292 Madison Avenue, 22nd Floor
New York, NY 10017

For Remaining Plaintiffs: Mitchell Sundel, Esq.
22 Broadway, Suite 307
New York, NY 10007

For Defendants:

Royal Acceptance and
RIT Auto Leasing No Appearance

Richard Toporek Richard Toporek, Pro se
90 Jericho Turnpike
Floral Park, NY 11001

SEYBERT, District Judge:

Upon review of the Report and Recommendation ("Report") of Magistrate Judge William D. Wall issued May 19, 2006, to which no party has objected, the Court hereby ADOPTS the Report and Recommendation in its entirety. The Court hereby strikes Defendant

Richard Toporek's ("Toporek") Answer, GRANTS Plaintiffs' leave to move for a default judgment against Toporek, and DISMISSES Toporek's Third-Party Complaint WITH PREJUDICE. Notably, Toporek was warned that such a Report would be issued if he failed to appear at a May 2006 conference before Magistrate Judge Wall, yet he still failed to appear.

Magistrate Judge Wall mailed a copy of the May 19, 2006 Report to Toporek, and the Plaintiffs were served with the Report via the Eastern District of New York's Electronic Case Filing ("ECF") system. The Report provided that any objections were to be filed with the Clerk of the Court within ten days of the date of service. The time for filing objections has expired and no Party has objected. Accordingly, the Court deems all objections waived and ADOPTS the Report in its entirety. Plaintiffs are ORDERED to serve a copy of this Order upon Toporek via first class mail within ten days of the date of this Order.

SO ORDERED

Dated: Central Islip, New York
 August 11, 2006

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.